

The Board of Supervisors met at the Township Office Building for their regular meeting on April 6, 2017, 7:30PM with Lowell Fry, Jere Swarr & Duane Martin present. The meeting was called to order by the Chairman and followed with the Pledge of Allegiance.

The Minutes of the March 16<sup>th</sup> Meeting were distributed. Mr. Martin made a motion to approve the Minutes as presented; second by Mr. Swarr. All voted in favor.

### **PUBLIC COMMENTS**

**Dwight Fahnestock** of North Colebrook Road gave the Board correspondence from DEP regarding the citation that was given to him from the township. The citation stated that Mr. Fahnestock was burning demolition waste that he brought to his farm. Mr. Fahnestock said he was burning bushes and DEP is okay with that.

Mr. Swarr said he has done research on burning ordinances in East Hempfield Township, West Hempfield Township, Manor Township, West Lampeter Township, Manheim Township and Mount Joy Township. He said he has also talked to residents in the agricultural communities in these municipalities. He said he feels the section of Rapho Township's Recycling Ordinance that deals with burning is stricter than other municipalities and would like to see it changed. Mr. Swarr said he would like to bring the ordinance more in line with others in Lancaster County and would like to be more consistent with Act 101. Mr. Fry asked Mr. Swarr what he thinks Rapho Township is not allowing but other municipalities are allowing. He told Mr. Swarr that recyclable materials and hazardous materials are not allowed to be burned under DEP's regulations and there are very few items that would not fit those categories. Mr. Fry said the current Recycling Ordinance is in compliance with the state laws. He does not want to take a chance of not following the DEP mandates and risk having to use tax payer's dollars to fight a law suit that the township would probably not win. Mr. Swarr said he feels the township's ordinance is too tight. He would like to see the section dealing with burning pulled out of the Recycle Ordinance. Mr. Fry feels the recycling and burning regulations are minor compared to the stormwater regulations that are being mandated and the costs to the property owners in order to comply with those mandates. Mr. Martin said the township has to follow the DEP recycling and burning mandates and that they override anything the township puts into place.

**Carl Garman** of North Erisman Road asked if the township has to follow these mandates because they took grant money. Mr. Martin explained that when the township's population reached 10,000 the recycling became mandatory and yard waste is a recyclable material.

**Matt Shenk** of North Colebrook Road said he thought the Board only needed to choose 6 recyclable items and they chose 12.

**Mark Duttera** of Elizabethtown Road said he saves tree limbs because he cooks out a lot. Mr Fry said it is okay to use yard waste for cooking purposes.

**Jim Sherer** of Wisgarver Road asked if there could be less enforcement. Mr. Fry explained that the township responds to complaints. Mr. Sherer asked if the township has had problems in the past that make them fearful of DEP fining them for non-compliance.

Mr. Fry explained the steps of writing a recycling ordinance and the process the township needs to do in order to comply with the state's mandates. He said there are some cases where the state will allow farmers to burn for bio-security reasons so that disease will not be spread to other farms.

**David Stoltzfus** of Eby Chiques Road said he thought a permit to burn could be obtained if a person owned over 15 acres. Mr. Fry said that isn't correct.

**Lori Shenk** of North Colebrook Road said she does not think the state's definition of recyclables includes language that would ban burning of yard waste. Mr. Fry said it makes no sense to him to require recycling but also tell residents that they can burn if they want.

**Jay Eberly** of Mastersonville Road wondered what he should be doing with his "bug" waste that is generated in his business. He is currently burning it. Mr. Fry said he believes that some form of incineration for his waste would be needed. He said DEP addresses a variety of ways for on-site incineration and he should research that for himself.

**Jason Snavelly** of Back Run Road said given the clean air and clean water initiatives, it seems till you load up a truck of yard waste, separate out the black walnut and haul it to the township it may be better to not have trees on your property. Mr. Fry said he never said following the mandates would be easy. He said as a Board member he sees the regulations that are coming down the road and feels that the burning issue that is being discussed is not expensive to comply with but the stormwater mandates that are coming will be very expensive for the property owner to comply with.

**Andy Beck** questioned the citation process and if those given citations were burning hazardous materials. Mr. Fry explained that when the township receives complaints it is often times in residential areas where the lots are small and the burning is bothering the neighbors. He said he believes there have probably been less than 10 citations issued in 3 years since the recycling ordinance was adopted. When a complaint is received, a warning is given first. Repeat offenders are the ones who are being cited.

**Jeff Siegrist** of Meadow View Road asked why an ordinance is needed. Mr., Fry explained that the township is the enforcer of the regulations that DEP has put into place and an ordinance is required for that to happen.

**Phil Myers** of Auction Road asked who is responsible for issuing the citations. Mr. Fry told him the zoning officer is the only township official with that authority.

Mr. Martin said he is not sure what this group wants the township to do. He feels that the Board is being asked to enact an ordinance that is more lenient than the state regulations.

Mr. Swarr said he was under the impression that these were the regulations the township needed to follow but said it is quite obvious that residents in West Hempfield can burn. He also doesn't think the township should be in the trash business even though curbside recycling is mandated. Mr. Swarr said he will be back with more information. He feels the Rapho people do not like the no burning portion of the Recycling Ordinance. He feels the ordinance should be changed.

**CHAIRMAN'S COMMENTS** - None

**PLANNING**

**FINAL APPROVAL:**

**The Windsor by Canine Country Club Final Plan #16-316  
346 South Erisman Road  
Diehm and Sons, consultant**

The applicants propose to construct a 21,175 square foot footprint kennel facility, along with parking and access drives, on a 10-acre tract. The dwelling and kennel currently located on the property would be razed, and an existing canine pool would remain. The kennel would provide pet rooming, daycare, and grooming for a capacity of 276 animals. The applicants received approval from the Zoning Hearing Board on 11/10/15 for a special exception for the operation of a boarding kennel. They were also granted several variances relating to setbacks, parking spaces, and landscaping. The facility would be served by on-lot sewer and water. Stormwater is proposed to be managed by a bio-retention basin under the proposed building/parking lot areas. The property is located in the Agricultural Zoning District.

**MODIFICATIONS:**

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

**A. Section 305 – Preliminary Plan Processing**

*The applicant has requested a modification of the requirement to process a preliminary plan and, in the alternative, proceed directly to final plan.*

*The Township Planning Commission, at their meeting on March 6, 2017, recommended approval of this modification based upon the justification provided with the condition that the applicant satisfy all preliminary and final plan requirements to the satisfaction of the Township.*

**STORM WATER MANAGEMENT ORDINANCE**

**A. Section 504.4.a.3 – Minimum Pipe Cover**

*The applicant has requested a modification of the requirement to provide a minimum of one foot (1') of cover between the stone subgrade and crown of pipe in paved areas. In the alternative, the applicant proposes a Class IV RCP with less than one foot (1') of cover between HW-1 and EW-1 (under Drive A) in order to maintain positive flow.*

*The Township Planning Commission, at their meeting on March 6, 2017, recommended approval of this modification request based upon the alternative and justification provided.*

**B. Section 504.4.d.3 – Minimum Swale Slope**

*The applicant has requested a modification of the requirement to provide a minimum slope of two percent (2%) for all swales. In the alternative, the applicant proposes to maintain a minimum slope of one percent (1%) in the proposed swales.*

*The Township Planning Commission, at their meeting on March 6, 2017, recommended approval of this modification request based upon the alternative and justification provided.*

**C. Section 501.16.B – Minimum Isolation Distance**

*The applicant has requested a modification of the requirement that no storm water facilities shall be placed in, over, or within a distance of one hundred (100) feet to closed depressions. In the alternative, the applicant proposes the basin to be within 96' of field verified closed depression #1 and 37' of mapped closed depression #2. The applicant's geotechnical consultant has provided a letter of support indicating that the existence of closed depression #2 could not be confirmed and therefore they find the location of the proposed basin to be acceptable provided their other recommendations are followed. In addition, an owner acknowledgement regarding geology has been placed on the cover sheet.*

*The Township Planning Commission, at their meeting on March 6, 2017, recommended approval of this modification request subject to the applicant signing the acknowledgement and with the condition that the Township Solicitor finds the language in the acknowledgement adequate to ensure it indemnifies and defends the Township, its officers and agents from any and all actions resulting from any adverse conditions that may develop as a result of the construction, operation and maintenance of the storm water management facilities.*

**CONDITIONS:**

**SUBDIVISION AND LAND DEVELOPMENT**

1. *The date, final action and conditions of approval by the Board of Supervisors on any approved modification requests needs to be included on the plan (§ 403.2.I, 403.4.J).*
2. *All certificates need to be completed prior to recording the plan (§ 405.3).*
3. *Financial security, in the amount of \$188,010.00, which includes the required ten percent (10%) contingency, and a financial security agreement need to be provided (§ 405.4.E, 405.4.F, 501).*

**STORM WATER MANAGEMENT**

1. *The operations and maintenance (O&M) agreement needs to be executed by the applicant, the Township, and Joinder by Mortgagee, if applicable; and, a copy of the executed agreement needs to be provided (§ 601).*

**Mr. Martin made a motion to approve The Windsor by Canine Country Club Final Plan #16-316 with the modifications and conditions as listed; second by Mr. Swarr. All voted in favor.**

**FINAL APPROVAL:**

**PA Property Investors Major Land Disturbance Plan #17-330**

**4753 Elizabethtown Road**

**Harbor Engineering, consultant**

The applicants propose to construct a single-family dwelling, garage, driveway, and stormwater management facilities on a 53.8 acre property on the south side of Elizabethtown Road. An existing house and garage, along with some of the existing concrete and gravel paved areas, will be removed as part of the project. A new driveway will be installed. Stormwater will be managed by infiltration beds. The property is located in the Agricultural Zoning District.

**MODIFICATIONS:**

**A. Section 404.1.A – Plan Scale**

*The applicant has requested a modification of the requirement to provide a plan at a scale not to exceed one inch equals fifty feet (1"=50') and, in the alternative, the applicant is proposing to provide a plan scale of one inch equals ninety feet (1"=90') for the existing features plan sheet.*

*We recommend approval of this modification request based upon the alternative and justification provided.*

**B. Section 404.3.B.3 – Existing Features**

*The applicant has requested a modification of the requirement to provide the location and size of existing on-lot sewage systems and wells within two hundred feet (200') of the subject tract. No alternative is provided.*

*We recommend approval of this modification request based upon the justification provided.*

**C. Section 507.9 – Geotextile Placement**

*The applicant has requested a modification of the requirement to provide non-woven geotextile on the bottom, all sides, and top of the subsurface infiltrations facilities and, in the alternative, the applicant is proposing to provide geotextile on all sides and the top.*

*We recommend approval of this modification request based upon the alternative and justification provided.*

**CONDITIONS:**

**STORM WATER MANAGEMENT**

1. *The date, final action and conditions of approval by the Board of Supervisors on any approved modification requests needs to be included on the plan (§ 404.2.I).*
2. *Evidence of approval of the Erosion and Sedimentation Control Plan and NPDES Permit by the Lancaster County Conservation District needs to be provided (§ 405.1).*
3. *Financial security, in the amount of \$54,778.00, which includes the required ten percent (10%) contingency, and a financial security agreement need to be provided (§ 405.3, 602).*
4. *All certificates need to be completed prior to recording the plan (§ 406).*
5. *The locations of test pits #7 and #8 need to be provided on the plan (§ 501.14, 507.2.a.1).*
6. *It appears that Driveway Infiltration Trench 3 is to accept runoff from the upslope lawn and cultivated lands. The applicant may want to consider including facilities to convey upslope runoff in to the facility before it crosses the driveway. In addition, the trench will need to be protected from any sedimentation that may occur from erosion of the cultivated area.*

**Mr. Martin made a motion to approve the PA Property Investors Major Land Disturbance Plan #17-330 with the modifications and conditions as stated and to approve the PA Property Investors Stormwater Management Agreement; second by Mr. Swarr. All voted in favor.**

**Mr. Swarr made a motion to approve the Non-Planning Waiver for Hilltop Acres Land Development Plan #16-314; second by Mr. Martin. All voted in favor.**

**Mr. Martin made a motion to approve the Zoning Officer's March 2017 Report; second by Mr. Swarr. All voted in favor.** Mrs. Gibson pointed out that the Mastersonville Fire Company Building Permit is listed on the report and the only fee that was charged to them is the \$4 UCC fee.

### OLD BUSINESS

**Mr. Martin made a motion to approve the revised lease agreement for 2685 Hossler Road with Kerek Musser for \$2,325 per month for 12 months; second by Mr. Swarr. All voted in favor.**

**Mr. Martin made a motion that the Board of Supervisors approve the Rapho Township Road Use Agreement between the Township and Transcontinental Gas Pipeline Co. in the form submitted to the Board by the Township's Solicitor and that the Board approve the execution of the Agreement by the Board Chairman subject to and following execution of the Agreement in its current form by an authorized representative of Transco and receipt of security and escrow funds as set forth in the Agreement as verified by the Township Engineer and Township Solicitor; second by Mr. Swarr. All voted in favor.**

**MS4 Update** – Township Manager Sara Gibson distributed a table showing the baseline pollutant load and the required sediment, phosphorus and nitrogen reductions for the 3 sub-watersheds. She reviewed the upcoming dates of importance which include the due date of the township's MS4 Notice of Intent September 16, 2017 and a mandatory time for public comment beginning in June 2017. She said 39 outfalls in 3 sub-watersheds have been identified. Mrs. Gibson listed the potential best management practices (BMPs) that would meet the reduction requirement for Rapho Township. One would be to retro-fit the municipal owned detention basin on Lefever Road which would meet 60% of the required reduction in the Little Chiques Creek. There was some discussion as to whether or not it would be beneficial to enter into an inter-governmental agreement with the neighboring municipalities to work together on projects to reduce the sediment. If the township does not enter into an agreement with other municipalities, the projects would need to be in the township's Urban Growth Area. If the township does enter into an intergovernmental agreement it would be possible to do a project in Rapho or another municipality. Mr. Fry does not want to have to hire staff in order to be involved with an intergovernmental agreement. The Board agreed that at this time they would like to continue sitting at the table with other municipalities to see what can be negotiated with DEP and EPA in order to comply with the MS4 mandates. Mr. Fry commended Mrs. Gibson for leading the other municipalities in this journey to find a way to work together in order to comply with the mandates that are required at this time.

### NEW BUSINESS

**Mr. Swarr made a motion to approve the release of \$200,000 to Fire Department Mount Joy from the Fire Capital Funds for a ladder truck; second by Mr. Martin. All voted in favor.**

**2016 Auditor's Report** - Mr. Fry reported that the auditors said the township's accounting records were impeccable and there were no findings. There are some items with the pension that are being worked on. The balances were up at the end of 2016. Mr. Fry said the staff does an outstanding job and that controls are in place to prevent fraud.

The Tax Collector's March 2017 Report was distributed and reviewed.

Mrs. Gibson distributed some projects for the park that she would like to apply for a grant from the Department of Conservation and Natural Resources for. They include a barn to store equipment used at the park, a piece of playground equipment and repair of the soft landing areas in the playground. **Mr. Martin**

**made a motion to adopt Resolution 2017-4 to approve the manager to apply for a grant from the Department of Conservation and Natural Resources; second by Mr. Swarr. All voted in favor.**

**CORRESPONDENCE**

*Richard Frey – comments*

*Lancaster County Conservation District – Summary of 2016 Activities*

*Lancaster County Economic Development Company – 2016 annual report*

*PSATS – Proposed Resolutions, Bylaws Change, and Nominations Report*

*Lancaster County Planning Commission – Proposed rezoning in East Donegal to be reviewed 4/24*

*Beth Rinehart – resident concern*

*Northwest Emergency Medical Services – February report*

*Lancaster County Planning Commission – recommend approval of West Hempfield zoning text amendment*

*Lancaster County Planning Commission – Sporting Valley Amish Schoolhouse plan to be reviewed 4/24*

**APPROVAL OF THE DISBURSEMENT LIST - Mr. Martin made a motion to approve the disbursement list and pay the bills; second by Mr. Swarr. All voted in favor.**

There being no further public business or public comments, the meeting adjourned at 9:52PM.

Respectfully Submitted,

Melva J. Kready  
Recording Secretary